IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 34 OF 2006

Kum. Surekha Sadanand Ayare. ...Applicant
V/s.
The State of Maharashtra. ...Respondent

Mr.Prakash Naik for Applicant.
Mr.Y.S. Shinde, APP for the State.

CORAM : V.M. KANADE, J.

DATED : FEBRUARY 14, 2006

P.C. :-

. Heard learned Counsel for the applicant and learned APP for the State.

. The applicant has filed this application being aggrieved by the order of the Sessions Court refusing to entertain his application for bail which has been filed under Section 439 of Cr.P.C. The offence was registered by Panvel Town Police Station against the applicant for the offence punishable under Sections 304B and 498A of the IPC. Initially he had filed an application for anticipatory bail in this Court. This Court granted the anticipatory bail till the filing of the chargesheet, by order dated 13th September, 2005 and liberty was granted

to surrender before the appropriate court. Thereafter, the chargesheet was filed. The applicant, thereafter, moved an application before the Magistrate and prayed for grant of bail. However, the Magistrate did not entertain the said application. He, thereafter, moved before the Sessions Court. The Sessions Court, however, observed that there was no information regarding the fact whether the cognisance was taken by the Magistrate, whether the process had been issued and therefore, did not pass any order on the said application. Being aggrieved by the said order, the applicant has filed this application in this Court.

2. In my view, the order passed by this court on 13th September, 2005 is very clear. The direction was given that the applicant should move the appropriate court for appropriate relief after the chargesheet was filed. In this view of the matter, the Sessions Court ought to have considered the application filed by the applicant on merits and should have decided the application one way or other. In the circumstances, since no order has been passed, there is no alternative

but to give direction to the Sessions Court to decide the application which is filed by the applicant on merits and pass appropriate orders. Order accordingly.

. The application is, accordingly, disposed of.

(V.M. KANADE, J,)